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Our Case No. 8285/461

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Susanne Crockett et al.)
)
Serial No. 10/027,224) Examiner: Karen L. Le
)
Filing Date: December 20, 2001) Group Art Unit No. 2614
)
For: METHOD AND SYSTEM FOR)
)
PROVIDING CALL FORWARDING)
)
INFORMATION TO A CALLING PARTY)
)

THIRD PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandra, VA 22313-1450

Dear Sir:

Applicants request review of the rejection that was mailed April 23, 2007 in the above-identified application. This rejection was mailed after the Notice of Panel Decision of March 23, 2007, which reopened prosecution, which was in response to Applicants' second Pre-Appeal Brief, after an Office Action in response to the Notice of Panel Decision of September 1, 2006, which reopened prosecution. Each time, the Office Actions following the Notice of Panel Decisions set forth the same grounds for rejection, even though the Panel Decisions reopened prosecution.

In response to this Request, Applicants request that a Notice of Allowance now be issued. No amendments to the claims are being filed with this Request.

This request is being filed with a Notice of Appeal.

The review is requested for the reasons stated on the attached sheets. No more than five (5) pages are provided.

I. Introduction

As a preliminary matter, Applicants appreciate the March 23, 2007 and September 1, 2006 decisions to reopen prosecution in accordance with the previously filed Notice of Appeal and Pre-Appeal Briefs Request for Review. Applicants submit that the present rejections should also be withdrawn, for at least reasons similar to the reasons on which the reopening of prosecution was based. Since the pending claims have been rejected for the third time using the same rejections, Applicants are filing this Third Pre-appeal Brief Request for Review and Notice of Appeal.

As another preliminary matter, Applicants respectfully request the withdrawal of the present rejections and that a Notice of Allowance be issued herewith. The present Office Action, which was mailed April 23, 2007, sets forth the same rejections that were previously set forth, and which have been overturned by the Panel twice before, except that one reference was dropped from the rejection. Another reference with the same deficiencies as the reference that was dropped, was added in a separate listing of rejections. Since the Examiner's action must be complete in all matters, and must cite the best references at his or her command, it follows that the best references have been cited, and all of the features of the claims are not disclosed. Therefore, the Assignee respectfully requests that a Notice of Allowance should be issued. *See* 37 C.F.R. §§1.104 (b),(c). The Assignee sets forth the missing elements below.

Claims 1, 4-11 and 14-21 and 23-24 are pending in the application. The Office Action again rejects claims 1, 4-11, 14-21 and 23 as being unpatentable over Rubin (US 5,832,061) in view of Gilbert et al. (US 6,795,530). The Office Action again rejected claims 10 and 20 under 35 U.S.C. 103(a) as being unpatentable over Rubin in view of Gilbert and further in view of Kim (US 6,584,188). The Office Action rejected claims 1, 4-11, 14-21 and 24 as being unpatentable over Dans (US 6,195,417) in view of Gilbert et al. (US 6,795,530).

II. The Office Action still does not correctly address missing elements of the claims

The pending claims recite providing a forwarding number to a calling party if the calling party is authorized to receive the forwarding number, otherwise providing an alternate message.

A. Independent Claims 1, 11 and 21

Pending independent claim 1 recites a method for providing an announcement to a calling party when the calling party calls a disconnected telephone number comprising "providing the first announcement to the calling party if the calling party is authorized" "wherein the first

announcement comprises a forwarding number of the called party” and “providing an alternate announcement if the calling party is not authorized.”

Pending independent claim 11 recites a telecommunication system for providing an announcement to a calling party in which a “first announcement is provided to the calling party if the calling party is authorized by the called party to receive the first announcement, wherein the first announcement comprises a forwarding number of the called party”. Also, “an alternate announcement is provided if the calling party is not authorized by the called party to receive the first announcement”.

Pending independent claim 21 recites a method for providing an announcement to a calling party when the calling party calls a disconnected telephone number that includes providing call forwarding information “if the calling party is authorized by the called party” and “otherwise providing an announcement”.

Rubin discloses an intelligent network architecture to handle calls placed to a network subscriber who has changed telephone numbers from an old telephone number to a new telephone number. As correctly noted by the Office Action, Rubin neither discloses nor suggests determining, in accordance with at least a portion of a telephone number, whether a calling party is authorized to receive a first announcement, and providing the first announcement to the calling party if the calling party is authorized by the called party to receive the first announcement. Nor does Rubin disclose or suggest that the first announcement is a forwarding number. Gilbert et al. and Dans fail to fill the gaps.

Gilbert et al. discloses a system and method for providing customized announcements to callers based on the called party telephone number and the calling party telephone number. *See* Abstract. When an incoming call is answered by a personal communications service, the system checks a database to determine whether or not the subscriber has identified that calling party number as a number that receives a personalized greeting. If the calling party number is in the database, the system plays the specific greeting selected by the subscriber for that specific caller or group of callers. Gilbert et al. does not disclose or suggest providing a forwarding number to authorized callers, and otherwise providing an alternate message.

Dans discloses an automated system places telephone calls to speech-based information systems, and interacts with the systems to retrieve information. The system employs a calling computer which uses speech recognition software to recognize the verbal messages generated by

the information systems. The verbal messages are stored for recognition purposes, not for supplying such messages to a user. *See* Col. 14, lines 44-45 and 66-67. The system is designed for calling bank information systems to verify accounts and checking transactions drawn on accounts. The system may also be employed for checking the status of lists of telephone numbers to determine whether the numbers have been changed or disconnected. In this case, the system recognizes verbal messages generated by a telephone company information system, and records new telephone numbers to which old telephone numbers have been changed. Dans does not disclose or suggest providing a forwarding number to a calling party if the calling party is authorized by the called party to receive the forwarding number, and otherwise providing an alternate message.

Conversely, the claims call for providing a forwarding number to a calling party if the calling party is authorized by the called party to receive the forwarding number, otherwise providing an alternate message. For at least this reason, Applicants respectfully request review of the rejection directed against the current application and withdrawal of the rejections against the claims.

B. Claims 10 and 20

Kim discloses an intelligent telephone system that includes a caller-ID circuit that extracts a call identifier from an incoming call. The system of Kim discloses keeping a call record log. None of the references, alone or in combination, disclose or suggest that a log is kept for a disconnected number. Moreover, none of the references, alone or in combination, disclose or suggest providing a forwarding number to a calling party if the calling party is authorized to receive it, otherwise providing an alternate message. Therefore, claims 10 and 20 should be allowed for the reasons discussed with regard to their respective independent claims discussed above.

III. There is No Motivation for the Proposed Combination of References

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. MPEP 2143.01.

It would not have been obvious to incorporate the features of the Rubin system with the Gilbert et al. and Dans systems. There is no motivation to combine the systems. The systems of

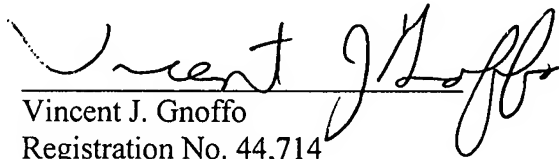
Rubin and Dans do not teach providing a forwarding number to authorized calling parties, otherwise providing an alternate message. Likewise, Gilbert et al. does not teach using a customized announcement system with disconnected number, nor using the customized announcement to provide a forwarding number of a disconnected phone line. Therefore, there would have been no motivation to combine the customized announcement system of Gilbert et al. with the call forwarding systems of Rubin and Dans. For at least this additional reason, Applicants respectfully request that the rejection to the claims be withdrawn.

In addition, there is no motivation to combine the caller ID system of Kim with the systems of Rubin, Gilbert et al. and Dans. A user would not purchase caller ID for a disconnected number. For at least these reasons, Applicants respectfully request that the rejection to claims 10 and 20 be withdrawn.

IV. Conclusion

For at least the above reasons, Applicants respectfully request review of the rejection directed against the current application and withdrawal of the rejections against the claims. No fees are believed to be due in connection with the filing of this Notice of Appeal because Applicants are still arguing based on the previous Notice of Appeal that was filed on July 26, 2006, in which the fees were paid. Should a fee be deemed necessary for any reason, however, the Commissioner is hereby authorized to charge any fees required to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



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